



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Baker et al. Docket No: 39780-2830P1C7

Serial No: 10/006,130 Group Art Unit: 1647

Filed: December 6, 2001 Examiner: Rachel B. Kapust

For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC ACIDS ENCODING THE SAME**

Commissioner for Patents
Washington, D.C. 20231

DECLARATION OF AUDREY GODDARD, Ph.D. UNDER 37 CFR 1.131

I, Audrey Goddard, Ph.D. do hereby declare and say as follows:

1. I am Senior Clinical Scientist at the Diagnostics, Development Sciences Department of Genentech, Inc., South San Francisco, CA 94080.
2. I am one of the inventors of the above-identified application.
3. I have read and understood the claims pending in this application, and are aware that the claims have been rejected as anticipated by U.S. Patent Publication No. 2003/0096951 (Jacobs *et al.*, publication date May 22, 2003 and effective filing date August 14, 1998).
4. I, along with other inventors of this application, conceived and reduced to practice the polypeptide designated as PRO1244 (SEQ ID NO:130) claimed in the above-identified application in the United States prior to August 14, 1998.
5. At the time the PRO1244 polypeptide was cloned and sequenced I was responsible for overseeing the sequencing of novel polypeptides, including the PRO1244 polypeptide (SEQ ID NO:130) claimed in the above-identified application.
6. A cDNA clone, referred to as DNA64883-1526 in the above-identified application, was identified as encoding the PRO1244 polypeptide.
7. The full length of the cDNA clone is shown in Figure 73 of the above-identified application. The full-length cDNA sequence has 2213 nucleotide residues. The full length of the PRO1244 peptide encoded by DNA64883-1526 is shown in Figure 74 of

the above-identified application. The full-length PRO1244 polypeptide has 335 amino acid residues.

8. Copies of the pages from the GSeqEdit database which report the cloning and sequencing data for the PRO1244 polypeptide sequence and its encoding nucleic acid sequence are attached to this declaration (with the dates redacted) as Exhibit A.
9. The GSeqEdit report shows the full-length nucleic acid sequence for DNA-64883-1526 (identified as "DNA-64883") and the full-length PRO1244 polypeptide encoded by DNA 64883. Both the DNA-64883 and the PRO1244 polypeptide sequences were obtained prior to August 14, 1998.
10. The DNA-64883 sequence shown in the GSeqEdit report is identical to that of SEQ ID NO: 129 disclosed in the above-identified application.
11. The beginning of the cDNA sequence corresponding to SEQ ID NO: 129 in the above-identified application is shown on page 1 of the GSeqEdit database report and the location of the first nucleotide is marked with "insert starts here" and an arrow. The location of the last nucleotide corresponding to SEQ ID NO: 129 is shown on page 11 and is marked with an arrow.
12. The amino acid sequence shown in the GSeqEdit report is identical to that of SEQ ID NO: 130 disclosed in the above-identified application.
13. The first 26 amino acid residues of the PRO1244 polypeptide (SEQ ID NO:130) encoded by the cDNA (DNA-64883) are also shown on page 1 of the GSeqEdit report and the remaining 309 residues appear on pages 2-6 of the report.
14. Exhibit A clearly shows that both the full-length DNA-64883 sequence and the full-length PRO1244 polypeptide sequence disclosed in the above-identified application were obtained prior to August 14, 1998.
15. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001

of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

Audrey Goddard
Audrey Goddard

6/17/04
Date

SV 2037583 v1
6/15/04 3:02 PM (39780.2830)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Baker et al. Docket No: 39780-2830P1C7

Serial No: 10/006,130 Group Art Unit: 1647

Filed: December 6, 2001 Examiner: Rachel B. Kapust

For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC ACIDS ENCODING THE SAME**

Commissioner for Patents
Washington, D.C. 20231

DECLARATION OF WILLIAM WOOD, Ph.D. UNDER 37 CFR 1.131

I, William Wood, Ph.D. do hereby declare and say as follows:

1. I am Director and Staff Scientist at the Department of Bioinformatics, of Genentech, Inc., South San Francisco, CA 94080.
2. I am one of the inventors of the above-identified application.
3. I have read and understood the claims pending in this application, and are aware that the claims have been rejected as anticipated by U.S. Patent Publication No. 2003/0096951 (Jacobs *et al.*, publication date May 22, 2003 and effective filing date August 14, 1998).
4. I, along with other inventors of this application, conceived and reduced to practice the polypeptide designated as PRO1244 (SEQ ID NO:130) claimed in the above-identified application in the United States prior to August 14, 1998.
5. At the time the PRO1244 polypeptide was cloned and sequenced I was responsible for overseeing the cloning of cDNAs which encoded novel polypeptides, including the cDNA that encoded PRO1244 polypeptide (SEQ ID NO:130) claimed in the above-identified application.
6. A cDNA clone, referred to as DNA64883-1526 in the above-identified application, was identified as encoding the PRO1244 polypeptide.
7. The full length of the cDNA clone is shown in Figure 73 of the above-identified application. The full-length cDNA sequence has 2213 nucleotide residues. The full

length of the PRO1244 peptide encoded by DNA64883-1526 is shown in Figure 74 of the above-identified application. The full-length PRO1244 polypeptide has 335 amino acid residues.

8. Copies of the pages from the GSeqEdit database which report the cloning and sequencing data for the PRO1244 polypeptide sequence and its encoding nucleic acid sequence are attached to this declaration (with the dates redacted) as Exhibit A.
9. The GSeqEdit report shows the full-length nucleic acid sequence for DNA-64883-1526 (identified as "DNA-64883") and the full-length PRO1244 polypeptide encoded by DNA 64883. Both the DNA-64883 and the PRO1244 polypeptide sequences were obtained prior to August 14, 1998.
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12. The amino acid sequence shown in the GSeqEdit report is identical to that of SEQ ID NO: 130 disclosed in the above-identified application.
13. The first 26 amino acid residues of the PRO1244 polypeptide (SEQ ID NO:130) encoded by the cDNA (DNA-64883) are also shown on page 1 of the GSeqEdit report and the remaining 309 residues appear on pages 2-6 of the report.
14. Exhibit A clearly shows that both the full-length DNA-64883 sequence and the full-length PRO1244 polypeptide sequence disclosed in the above-identified application were obtained prior to August 14, 1998.
15. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and

the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

William J. Wood
William Wood

6/14/04
Date

SV 2037583 v1
6/9/04 1:21 PM (39780.2830)

Exhibit A
to Declarations of Audrey Goddard and William Wood under 37 CFR 1.131

GSeqEdit Database Report

^insert starts here

scrFI [dcm-]
 pspGI
 mvaI
 ecoRII [dcm-]
 dsaV [dcm-]
 bstNI
 bssKI [dcm-]
 apyI [dcm+]
 sau3AI
 mboI/ndeII [dam-]
 dpnII [dam-]
 dpnI [dam+]
 alwI [dam-]
 bstYI/xhoII
 alwNI [dcm-]
 alw26I/bsmAI
 tsp509I [M.ecoRI-]
 ecoRI pf1MI [dcm-]
 apoI bs1I [dcm-]
 mboII hpy188III
 scrFI [dcm-]
 pspGI
 mvaI
 ecoRII [dcm-]
 dsaV [dcm-]
 bstNI baeI
 bssKI [dcm-]
 apyI [dcm+]
 bpmI/gsul [dcm-]
 btgI/bstDSI
 bsauII
 hpy18
 301 GCTGATGAG ATTCCAGAT CCTGGCAAC TCCTGGGAT ACTCCAGTGC ATTCAACAGGATATTT TGCCATGGT GGATTTGAT GAAGGCTCTG
 CGACTACTTC TTAAGGTCTA GGACCGTTG AGGACCGCTA TGAGGTCACTA TAAGTGGTGC TCCTATAAAA AACGGTACCA CCTAAAACTA CTTCCGAGAC
 93 A D E E F Q I L A N S W R Y S S A F T N R I F F A M V D F D E G S D

tsp509I [M.ecoRI-] hpyCH4V
 ecoRI
 sfaNI apoI
 hpy188I nlaIII aluI
 401 ATGTATTCA GATGCTAAC ATGAAATTCA CTCCAACTTT CATCAACTTT CCTGCAAAG GGAAACCCAA ACGGGGTGTAT ACATATGAGT TACAGGTGCG
 TACATTAAGT CTACGATTG TACTTAAGTC GAGGTGAAA GTAGTTGAAA 127 V F Q M L N M N S A P T F I N F P A K G K P K R G D T Y E L Q V R

ddeI [M.aluI-] hpyCH4V
 bspCNI mspI sau3AI
 celiI/espI hpAII mboI/hdellI [dam-]
 blpI/bpu1102I scrFI [M.hpaII-] bsmFI
 aluI nciI dpnII [dam-] sau96I
 pvuII dsAV dpnII [dam+]
 msPAlI/mspBII bssKI alwI [dam-] nlaIV
 501 GGGTTTCAGCTGAGCA TTGCCGGTG GATCGCGAC AGAACTGATG TCAATATTAG AGTGGATTAG CCCTCCAAATT ATGCTGGTCC CCTATGTTG
 CCCAAAGT CGACTCGTCT AACGGGCCAC CTAGGGCTG TCTGGCTAC AGTTATAATC TCACTAATCT GGGGGTTAA TACGACCAAGG GGAATACAAAC
 160 G F S A E Q I A R W I A D R T D V N I R V I R P P N Y A G P L M L

tagI aluI
 sful tseI
 bstBI fnu4HI/bsoFI
 bsiCI tru9I bstF5I
 baeI mboII mboII fokI
 601 GGATTGGCTT TGGCTGTTAT TGGTGGACTT GTGTATCTTC GAAAGAAGTAA TATGGAATT CTCTTTAATA AAACGGATG GGCTTTGCA GCTTGTGTT
 CCTAACGAAA ACCGACAATA ACCACCTGAA CACATAGAAG CTTCTCATT ATACCTTAA GAGAAATTAT TTGACCTAC CGAAACACAA
 193 G L L A V I G G L V Y L R R S N M E F L F N K T G W A F A A L C F

scrFI [dcm-]
 pspGI
 mvaI
 ecoRII [dcm-]
 dsaV [dcm-]
 bstNI
 bssKI [dcm-]
 apyI [dcm+]
 sexAI
 hpy188III
 1401 GATGGGGAA GTAAGTCCTG ACCAGGTGT CCCACATATG CCTGGTACAG ATAACTACAT TAGGAATTCA TTCTTAGCTT CTTCATCTT GTGGGGATGT
 CTACCCCTT CATTAGGAC TGGTCCACAA GGGTGTATAC GGACAATGTC TATTGATGTA ATCCTTAAGT AGAATCGAA GAAGTAGAAA CACACCTACA

tsp509I [M. ecoRI-]
 xmnI
 ecoRI
 asp700
 apoI
 ndeI
 maeIII
 hpy188I
 bst217I
 bst1107I
 accI
 sfanI
 tsp509I
 1501 GTATACTT CGCATCTTC CTTTGAGTA GAGAAATTAT GTGGTCATG TGGTCTCTG AAAATGGAAC ACCATTCTTC AGAGCACACG TCTGCCCTC
 CATATGAAAT GCGTAGAAAG GAAAACTCAT CTCTTTAATA CACACAGTAC ACCAGAAC TTTACCTTG TGTTAAGAAG AGATCGGGAG

fokI
 msbII
 aluI
 msnI
 ddeI [M. aluI-]
 bstF5I
 apoI
 maeIII
 hpy188I
 mboII
 bpuAI
 nlaiII bbsI
 mboII
 bmyI btrI bfaI mnII
 rmaI
 ddeI
 hgiAI/aspHI
 bsp1286
 bsiHKAI
 hpy188I
 maeII/hpyCH4IV
 eco57I
 af111I maeI bspC
 mboII

tail

scrFI [dcm-]								
pspGI								
mvaI								
ecoRII [dcm-]								
dsaV [dcm-]								
bstNI								
haeIII/palI								
mscI/balI [dcm-]								
eaEI [dcm-]								
cfrI								
scrFI [dcm-]								
pspGI								
mvaI bssKI [dcm-]								
ecORII [dcm-]	tsp45I							
dsaV [dcm-]		maeIII						
bstNI	hinPI							
bssKI [dcm-]	tspRI							
pleI bslI [dcm-]	hhal/cfoI							
mlyI bsauI apyI [dcm+]		ddeI						
hinflI apyI [dcm+]	btsI	bspCNI						
1901 AAGGAGAA TAGGCTAGT TAGAAAAGGA CTCCCTGGCC AGGGCAGTC ACTTACGCT GTAAATCTAG CACTTGGGA GGCCAAAGGCA GGCAGATCAC			haeIII/palI					
TTCTCTTTT ATCCGAGTCA ATCTTTCCCT GAGGGACCGG TCCGGCTCAC TGAATGCGGA CATTAGACTC GTGAAACCTT CCGGTTCCGT CCGTCTAGTG			mrII bsauI					
			dpnII [d					
			dpnI [da					

mscI/balI [dcm-]							
eaelI [dcm-]							
scrFI [dcm-]							
pspGI							
mvaI							
ecoRII [dcm-]							
dsaV [dcm-]							
bstNI							
bsmAI	bssKI [dcm-]						
taqI	fokI	cfrI	nlalII	bsmAI			
hpy188III	bsaI	bstF5I	haeIII/palI	esp3I	aluI		
mnII	hpy188III	apyI [dcm+]	hphI	bsmBI	tsp509I		
2001	GAGGTAGGA	GTTCGAGACC	ATCCTGGCCA	ACATGGTGAA	ACCCGGTCTC	TACTAAAT	ATAAAAATT
	CTCCAGTCT	CAAGGCTCTGG	TAGGACCGGT	TGTACCACTT	TGGGGAGAG	ATGATTTTA	TATTTTAAT
						CGACCCACAC	CACCGTCCTC
						GGACATTAGG	
scrFI [dcm-]							
pspGI							
mvaI							
ecoRII [dcm-]							
dsaV [dcm-]							
bstNI							
tspRI							
sau3AI	btsI						
mboI/ndeII [dam-]							
bssKI [dcm-]							
apyI [dcm+]							
ddeI	tfII		hpy188III				
bspCNI	hinfI		ddel				
mnII	bsaSI						
aluI	mnII		bsPCNI	mnII	tspRI		
2101	CAGCTACACA	GGAGGCTGAG	GCACGAGAAAT	CACTTGAAC	CAGGAGATGG	AGTTTCAGT	GAGCCGAGAT
							CACTCCAGCTG
							TGGCAACAGA
							GTGAGGTGGAC
							ACCGTTGTCT

fnu4HI/bsoFI
 haelli/pallI
 mcri
 eaeI
 pleI
 bsiEI rmaI
 mlyI notI maeI
 cfri
 hinFI bsoFI bfaI
 bsmAI acII acII speI
 2201 GCGAGACTCC ATCTCAAAAA AAAAAAAA AAAAAAAA AAAAAAGGGG CGGCCGCCGA CTAGTGAGC
 CGCTCTGAGG TAGAGTTTT TTTTTTTT TTTTTTTT TTTTTTTT TTTTTTTT TTTTTTTT GATCACTCG
 ↓
 > length: 2269

accI (GTMKAC) :	1501
aciI (CCGC) :	39 498 2250 2254
afIIII (ACRYGT) :	780 1586
ahaiII (TTTAAA) :	11150
ahdi (GACNNNNNGTC) :	278 714
alui (AGCT) :	152 300 429 510 690 822 888 1015 1345 1476 1816 2070 2102
alw26I (CAGNNNCTG) :	101 316
alwI (GGATCNNN) :	318 530
alwNI (CAGNNNCTG) :	101 316
apoI (RAATTY) :	3 310 423 655 1464
apyI (CCWGG) :	321 332 1422 1934 1939 2023 2189
asp700 (GAANNNNTTC) :	1464 1749
aspHI (GWGWCW) :	1582